

State of South Dakota

EIGHTY-FOURTH SESSION LEGISLATIVE ASSEMBLY, 2009

956Q0578

HOUSE ENGROSSED NO. **HB 1241** - 2/18/2009

Introduced by: Representatives Sly, Bolin, Killer, Lange, Lucas, McLaughlin, Romkema, Schlekeway, Sorenson, and Vanderlinde and Senators Jerstad, Bradford, Maher, and Merchant

1 FOR AN ACT ENTITLED, An Act to provide for the delivery of special education or special
2 education and related services to a child during the child's transition from one state school
3 district to another.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. That chapter 13-28 be amended by adding thereto a NEW SECTION to read as
6 follows:

7 If a child in need of special education or special education and related services is enrolled
8 as a full-time student in a school district in the state, an individualized education program is in
9 effect for the child, and the child's school residence changes from that school district to another
10 school district in the state, the receiving school district in which the child's parent or guardian
11 enrolls the child shall follow to the extent possible the individualized education program that
12 was developed for the child by the individualized education program team in the sending school
13 district until such time as the receiving school district's individualized education program team
14 either adopts the existing individualized education program or develops, adopts, and implements



1 a new individualized education program for the child. Any disagreement that may exist
2 regarding the new individualized education program is subject to the procedural safeguards
3 contained in the Individuals with Disabilities Education Improvement Act of 2004, as amended
4 to January 1, 2009. This section does not apply to any child in need of special education or
5 special education and related services assigned to and enrolled in an approved out of district
6 residential or tuition day program.